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Docket Management Facility
U.S. Department of Transportation
400 Seventh Street, S.W.
Nassif Building, Room PL-401
Washington, D.C. 20590-001

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Re: Stage 4 Aircraft Noise Standards, Docket Number FAA-2003-16526 - 44

The National Business Aviation Association, Inc. (NBAA) endorses the stringent noise standards set forth in ICAO Annex 16 and incorporated in the proposed rule. The next generation of quieter Stage 4 aircraft already is being introduced in the business aviation community, and the proposed rule would insure uniformity throughout all ICAO member States.

At the same time, NBAA opposes the efforts by some commentators to revisit more than two decades of policy decisions made by Congress and the FAA with respect to Stage 2 aircraft under 75,000 pounds and Stage 3 aircraft. Such views are well beyond the scope of this proceeding, which solely is intended to harmonize the U.S. requirements with revised ICAO Annex 16. The revisions to that instrument were developed jointly by the U.S. and other ICAO member States in consultation with all interested stakeholders, including the airport community and environmental groups.¹

¹ The U.S. position with respect to the Annex 16 revision by ICAO's Committee on Aviation Environmental Protection (CAEP) was described thusly at the start of that process:

"The FAA is being guided by the following principles throughout its international negotiations within ICAO. Any action taken at CAEP must: endorse a single, global noise standard to be applied uniformly within an internationally agreed upon framework; be performance based, achievable by a full range of certifiable noise reduction technologies; provide further noise relief for people living near airports; contain appropriate economic protections for the existing Stage 3 fleet; be based on sound cost and benefit analysis; and be part of an overall balanced plan that includes technology, operational practices, and land use policy considerations. The CAEP effort has been a fully deliberative process involving all stakeholders both formally and informally. Most stakeholders (carriers, manufacturers, airports, environmental groups) are represented directly in CAEP and in its working groups through membership in various international organizations."

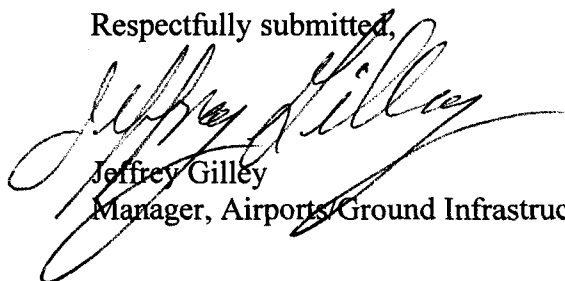
Stage 4 Aircraft Noise Certification Standards, Before the House Comm. On Transportation and Infrastructure, Subcomm. on Aviation, September 21, 2000 (statement of Louise E. Mailllett, Deputy Asst. Administrator for Policy, Planning and Int. Aviation, Federal Aviation Administration).

The protesting commentators ignore that there are processes in place for addressing perceived noise issues arising from non-Stage 4 aircraft. Under ASNA and ANCA, and FAR Parts 150 and 161, communities have tools to mitigate and abate aircraft noise. The success of these processes has been remarkable, reducing to negligible numbers the people living within the 65 dB noise map noncompatibility contours. A substantial part of that success also is due to voluntary noise mitigation measures promoted by NBAA and its members as well as by air carriers and other operators. However, Parts 150 and 161 are fact-specific processes that require actual evidence of the extent of the noise problem and a balancing of other interests before corrective measures can be implemented. The commentators who urge that this proceeding be extended to non-Stage 4 aircraft really are expressing dissatisfaction with the need to address the facts at individual airports.

Naples Municipal Airport, one of the commentators suggesting extension of the rule to non-Stage 4 aircraft, is an example. Naples was the first airport to complete the Part 161 process in support of a restriction on aircraft operations. The only way that a ban on Stage 2 operations at Naples even arguably could be supported was by extending the 65 dB contour to 60 dB. In finding that the ban violated the grant assurances, Associate Administrator Woodward noted that "if an airport could designate any noncompatibility threshold simply based on local government determinations . . . it could designate noncompatibility thresholds of 60, 55, or lower, effectively closing airports and severely crippling the nation's air transport system."² That essentially is what Naples and the other commentators are seeking to do here by extending this proceeding to non-Stage 4 aircraft. They support harmonization only to the extent that it would overlook the facts.

NBAA and its members have a more than forty-year commitment to being good neighbors. In that spirit, the proposed rule will make airports even quieter than they are today and deserves to be finalized. But even good neighbors can insist that restrictive actions by airports be predicated on fact-based grounds that are non-discriminatory and reasonable.

Respectfully submitted,



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² Final Agency Decision and Order, FAA Docket 16-01-15, at 37-8 (2003).